

REMARKS

In the outstanding Office Action, the Examiner objected to claims 3-9 and 16-25 and rejected claims 1, 2, 10-15 and 26-33. Claims 1, 14, 31 and 32 are amended herein. No new matter is presented. Thus, claims 1-33 are pending and under consideration. The rejections are traversed below.

ALLOWABLE SUBJECT MATTER:

In the outstanding Office Action, the Examiner objected to claims 3-9 and 16-25. The rejection of the independent claims, upon which claims 3-9 and 16-25 depend, is traversed below.

Therefore, claims 3-9 and 16-25 are allowable.

REJECTIONS UNDER 35 U.S.C. § 102(e):

Claims 1, 2, 13-15 and 26-33 were rejected as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,473,498 (Foth).

Foth is directed to a facsimile machine having a switching device for enabling/disabling communication devices based on signal traffic detected by a monitor. Foth monitors signal traffic from optional phone devices, personal computers and a facsimile component over a single incoming/outgoing line and accepts/terminates signals from these devices (see, col. 3, lines 55 through col. 4, line 1). For example, if the monitor determines that a signal is created by a priority user, the monitor activates monitor/switch device (120) to accept the signal and terminate either the personal computer use, active facsimile transmission or the optional phone device (see, col. 4, lines 15-19). That is, Foth is limited to accepting and terminating signals of devices over a single incoming/outgoing line based on the type of the devices and user (sender) predetermined set of parameters.

Independent claim 1, by way of example, recites, "determining whether an urgent transmission of data is demanded by a second party previously determined to be capable of urgently receiving the data during communication with a first party able to set a function to urgently receive the data based on a phone number of the second party." Claim 1 further recites, "interrupting communication with the first party and receiving the urgent data from the second party" when the urgent transmission of data is required from the second party.

Independent claim 14 recites, “a communication request detector” checking whether during communication with a first party “an urgent transmission of data is required from a second party previously determined to be capable of urgently receiving the data based on a phone number of the second party” and outputting the checked result as “a first control signal”, where the first party is able “to set a function to urgently receive the data.” As such, communication with the first party is interrupted “in response to the first control signal and to receive the data from the second party.” Claim 32 recites similar features.

Similarly, claim 31 recites, “determining whether an access signal requiring urgent transmission of data via facsimile is requested with a user able to set a function to urgently receive the data”, “comparing the at least one phone number stored with a phone number via which the access signal requesting transmission of data is requested.” Claim 31 further recites, “interrupting an on-going communication to receive the facsimile data requiring urgent transmission.”

Foth does not teach or suggest the claimed method and apparatus to urgently receive data including setting “a function to urgently receive facsimile data”, as recited in the independent claims.

It is submitted that the independent claims are patentable over Foth.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Foth. The dependent claims are also independently patentable. For example, claim 29 recites, “an enable button to allow a user in communication with the first party to enable the urgent receiving function in response to the second control signal, and to output the third control signal to indicate that the urgent receiving function is enabled.” Foth does not teach or suggest these features of claim 29.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Foth and JP 07-236007 (Naka).

The Examiner relies on Naka as teaching restarting communication with the first party upon determining that all data from the second party has been received. However, Naka is limited to selecting priority of an interruption call based on urgency or importance of a call identified by a user using prescribed key operations (see, paragraphs 9, 11 and 15).

Claim 10, by way of example, recites, "determining whether all of the data transmitted from the second party is received after the communication with the first party has been interrupted to receive the data from the second party" and "restarting communication with the first party." Dependent claims 11 and 12 recite similar features.

Foth and Naka, alone or in combination, do not teach or suggest interrupting an on-going communication of a first party able to set a function to urgently receive the data and "restarting" communication, as recited in claims 10-12 (see also independent claim 1, upon which claims 10-12 depend).

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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